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FISCAL IMPACT STATEMENT

LS 6915

BILL NUMBER: SB 209

NOTE PREPARED: Apr 6, 2009

BILL AMENDED: Apr 6, 2009

SUBJECT: Absentee, Provisional and Return Voting.

FIRST AUTHOR: Sen. Young R Michael

FIRST SPONSOR: Rep. Battles

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: ☒ **GENERAL**
☐ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) *Inspection of Provisional Ballot Materials*- The bill requires that election material related to provisional ballots (excluding the provisional ballots themselves) be made available for copying and inspection under the access to public records law in the same manner as other election material, except in the case of a recount or contest, when material related to provisional ballots remains confidential for six months after the completion of the recount or contest. The bill provides that information in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date, remains confidential.

Explanation of Provisional Ballot- The bill requires a precinct election officer, in the case of a voter who casts a provisional ballot, or an absentee voter board, in the case of a voter who casts an absentee ballot that is treated as a provisional ballot, to provide both orally and in writing an explanation of the steps the voter must take in order to have the voter's ballot counted. The bill requires the Election Commission (EC) to prescribe the form of the explanation.

Circuit Court Clerk Notification- The bill requires the circuit court clerk of a county that conducts an election in which a voter casts a provisional ballot or an absentee ballot that is treated as a provisional ballot to notify the voter not later than three days after election day concerning: (1) the reasons that the voter's ballot is being treated as a provisional ballot; (2) what actions, if any, that the voter must take in order to have the voter's ballot counted; (3) the deadline by which the voter must act to have the voter's ballot counted; and (4) certain contact information that the provisional voter may use to find out about the provisional voter's ballot.

Mailing of Notices- The bill requires that the notice be sent by first class United States mail or given by another method that the circuit court clerk determines will provide actual notice to the voter. The bill requires

the notice to be in a form prescribed by the EC.

List of Provisional Voters- The bill requires the county election board (CEB) to provide a list of the name and addresses of all voters who cast a provisional ballot at an election to a candidate whose name was on the ballot or the county chairman of a political party in the county not later than 72 hours after the request.

Class A Misdemeanor- The bill provides that a circuit court clerk who knowingly or intentionally fails to provide a provisional voter with the required notice commits a Class A misdemeanor.

Public Access to Provisional Voting- The bill requires the circuit court clerk and the Secretary of State (SOS) to compile and make public certain information about provisional voting.

Military/Public Safety Absentee Ballots - The bill provides that a member of the military or public safety officer may vote an absentee ballot by mail.

Return to Vote after Emergency- The bill provides that a member of the military or public safety officer who has signed the poll list and is called from the polls before voting to respond to an emergency in the voter's capacity as a member of the military or public safety officer is entitled to return to the polls and vote upon execution of an affidavit.

Effective Date: July 1, 2009.

Explanation of State Expenditures: (Revised) *Explanation of Provisional Ballot-* The Election Commission (EC) would be able to prescribe an affidavit and notice forms within the course of a regular business meeting. If completely accessible electronically, the Election Division (ED) would have minimal, if any, expenditures from printing the affidavit and notice forms.

(Revised) *Public Access to Provisional Voting-* This provision should present a negligible impact to the SOS. The SOS currently provides the number of provisional ballots cast and counted (the most recent available provisional counts are from the 2006 general election).

Explanation of State Revenues: (Revised) *Class A Misdemeanor-* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

Explanation of Local Expenditures: (Revised) *Explanation of Provisional Ballot-* This provision should minimally impact precinct or absentee voter board expenditures.

(Revised) *Mailing of Notices-* Clerks could choose to mail notices to persons casting a provisional ballot. If notices were mailed at the standard first class postage rate, the cost could range from \$0.27 (postcard) to \$0.42 (letter) per notice depending on the size of the form. During the 2006 general election, 3,873 provisional ballots were cast in Indiana. Of the number cast, 2,701 or 69.7% were counted. The 2008 election results for provisional ballots are not currently available.

(Revised) *Military/Public Safety Absentee Ballots-* Counties may require extra absentee ballots available as a result of this provision. The impact would depend on the number of qualified voters that apply for an absentee ballot and vote by mail.

(Revised) *Return to Vote after Emergency*- Precinct election board clerks may require additional administrative time to fill out affidavits for military or public safety personnel returning from an emergency to vote.

(Revised) *List of Provisional Voters*- If not already compiled, county election boards would be able to compile the required information with negligible expense.

(Revised) *Class A Misdemeanor*- A Class A misdemeanor is punishable by up to one year in jail.

(Revised) *Public Access to Provisional Voting*- Circuit court clerks would be able to compile and prepare for public display provisional ballot information within existing resources.

Background- The following table provides estimates on the number of certain Indiana first-responder occupations that would be affected by the bill.

First-Responder Occupation (IC 10-14-2-5)	Estimated Employment 2007
Firefighters/Emergency Medical Service Providers	6,050
Police Officers (Local)	10,760
Police Officers (State)	1,266
Excise Police	470
Conservation Officers	180
Probation Officers	1,830
Correctional Officers	8,460
Paramedics/EMT's	5,090
Military (including reserves and national guard)	20,000
State or Local Emergency Management Agency	230
Total	54,336

Explanation of Local Revenues: (Revised) *Class A Misdemeanor*- If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: Election Commission

Local Agencies Affected: Precinct election boards, absentee voter boards, circuit court clerks, county election boards; trial courts, local law enforcement agencies.

Information Sources: U.S. Bureau of Labor Statistics, Indiana State Police: 2007 Annual Report; Office of the United States Secretary of Defense; Indiana State Budget Agency: *General and Rainy Day Fund Summaries, June 30, 2008*.

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